



**MOTION PICTURE ASSOCIATION**  
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October 5, 2009

The Honorable Lawrence Bliss, Senate Chair  
The Honorable Charles R. Priest, House Chair  
Maine Judiciary Committee  
State Capitol  
3 State House Station  
Augusta ME 04333

RE: Repeal of PL 2009, Chapter 230, Predatory Marketing to Minors

Dear Senator Bliss, Representative Priest and Members of the Judiciary Committee:

I am writing on behalf the Motion Picture Association of America, Inc. and our member companies\* to advise you of our support for repealing PL 2009, Chapter 230 related to predatory marketing to minors. The MPAA member companies are the leading producers and distributors of motion pictures and television programs in the United States and have a strong interest in ensuring their ability to communicate with those who watch movies and television programs across various platforms, from movie theaters to mobile players.

Maine's current law, PL 2009, Chapter 230, enacted earlier this year, prohibits the collection of any and all personal information from minors for marketing purposes without parental consent and would subject anyone who collects such information to legal action. For example, if a company develops an interactive website in conjunction with a movie or television program and a minor participated in the activities of the website, the company could be sued under current law. In addition, Chapter 230 prohibits any transfer of personal information of minors regardless of the purpose for the transfer, the fact that the transfer may be between affiliated entities and whether the parents of the minor have expressly consented to or requested the transfer. Given the nature of the national credit card charge processing system, this provision would subject any company which fulfilled a credit card purchase from a minor, including purchases of DVDs of a movies or television programs, to legal action for violation of Chapter 230.

MPAA agrees with the more specific constitutional arguments, made by other commenters in response to the Committee's request as well as laid out in the federal suit, that

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\* MPAA members include: Walt Disney Studios Motion Pictures; Twentieth Century Fox Film Corporation; Paramount Pictures Corporation; Sony Pictures Entertainment, Inc.; Universal City Studios LLLP; and Warner Bros. Entertainment Inc.

Chapter 230 as enacted is irreparably flawed, *Maine Independent Colleges, et al v. Baldacci et al.*, CV 09-396-B-W. Although the Attorney General has agreed not to enforce this clearly unconstitutional law, the law provides for a private right of action and poses a threat to the business of our member companies as well as countless businesses who transact business with Maine residents. Thus, we urge the Committee to recommend to the Legislature that Chapter 230 first be repealed and that the appropriate legislative committee then return to the original stated intent that conforms to current state and federal laws.

The MPAA is available to work with the legislature to draft more narrowly tailored legislation which does not create legal liability for legitimate consumer transactions and takes appropriate aim at predatory marketing practices.

Thank you for the opportunity to comment on Chapter 230. Please do not hesitate to contact me or our legislative advocate, Charles Soltan, at (207) 621-6300, with any questions. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Vanessa Sturges". The signature is fluid and cursive, with a large initial "V" and a stylized "S".